

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEON FREDERICK SMITH,

Defendant.

2:11-cr-00442-GMN-GWF

MINUTES OF THE COURT

DATED: January 30, 2014

THE HONORABLE GLORIA M. NAVARRO, CHIEF UNITED STATES DISTRICT JUDGE

DEPUTY CLERKS: Michael Zadina

COURT RECORDER: Araceli Bareng

COUNSEL FOR PLAINTIFF: Andrew Duncan and Kathryn Newman

COUNSEL FOR DEFENDANT: Patricia Palm and Osvaldo Fumo

MINUTES OF PROCEEDINGS: Jury Trial (Day 3)

8:40 a.m. The Court reconvenes in the presence of the jury.

Evidentiary Stipulation #1 is read upon the record by the Court.

KATHRYN AOYAMA, having previously been sworn, further testifies on direct examination by Mr. Duncan, cross examination by Mr. Fumo, then is excused.

Exhibit 1 marked and admitted.

TERRELL TINSON, is sworn and testifies on direct examination by Mr. Duncan, cross examination by Ms. Palm, follow-up examination by Ms. Palm, then is excused.

Exhibit 19 marked, but not admitted.

AGENT JAMES MOLLICA, is sworn and testifies on direct examination by Ms. Newman, cross examination by Ms. Palm, follow-up examination by Ms. Newman, follow-up examination by Ms. Palm, then is excused.

Exhibit 18, 18A marked, but not admitted. Exhibits 16Q-16X marked and admitted. Court Exhibits 24-28 marked.

10:49 a.m. The Jury admonished and excused.

10:51 a.m. The Court reconvenes outside the presence of the jury. Mr. Fumo moves for a mistrial. The Court hears arguments. The Court takes the matter under submission.

11:25 a.m. The Court reconvenes outside the presence of the jury. The Court DENIES Mr. Fumo's motion for a mistrial and settles the limiting jury instruction as stated on the record.

11:31 a.m. The Court reconvenes in the presence of the jury.

The Government rests its case-in-chief.

MICHAEL KELLY, is sworn and testifies on direct examination by Mr. Fumo, then is excused.
Court Exhibit 29 marked.

Evidentiary Stipulation #2 is read upon the record by the Court.

11:44 a.m. The Jury admonished and excused.

The Court discusses the jury instructions with counsel.

11:58 a.m. The Court stands at recess.

1:58 p.m. The Court reconvenes outside the presence of the jury.

Mr. Fumo moves for a Rule 29(a) dismissal of Counts 1, 2 & 3. The Court DENIES the Rule 29(a) motion. The Court finalizes the jury instructions and verdict form with counsel. The Court canvases the Defendant on his right to testify.

3:10 p.m. The Court reconvenes in the presence of the jury.

The Defendant rests case-in-chief and the Government waives its rebuttal case.

The Court reads the jury instructions to the jury and introduces them to the verdict form.

Ms. Newman presents closing arguments on behalf of the Government.

Mr. Fumo presents closing arguments on behalf of the Defendant.

Mr. Duncan presents rebuttal closing arguments on behalf of the Government.

The Court instructs the jury on the order of deliberations.

The Bailiff is sworn to take charge of the jury.

The Jury retires to deliberate.

The Court thanks and excuses the alternate jurors.

IT IS HEREBY ORDERED the criminal jury trial in this matter is continued to **Friday, January 31, 2014, at 9:15 a.m.**

Jurors admonished and excused.

4:52 p.m. The Court adjourns.

LANCE S. WILSON, CLERK
U.S. DISTRICT COURT

BY: /S/
Michael Zadina, Deputy Clerk